

FILED  
08 MAR 13 PM 3:43

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CV 08

1181

John Earnest Gilbert  
Plaintiff,

CASE NO. \_\_\_\_\_

PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS

TEH  
(PR)

vs.  
P. Delvillar (Principle Actor) James  
T. Hon, N. Grannis, Michael Evans, G.A.  
Neethi, K. Jones, R. A. Kessler, G. Lewis  
P. Roque, G.R. Salazar Defendant.  
D. Aviles, N. Clark, A. Villalobos, Majica  
Hogdan, A. Kuhnert

John Gilbert

\_\_\_\_\_, declare, under penalty of perjury that I am the  
plaintiff in the above entitled case and that the information I offer throughout this application  
is true and correct. I offer this application in support of my request to proceed without being  
required to prepay the full amount of fees, costs or give security. I state that because of my  
poverty I am unable to pay the costs of this action or give security, and that I believe that I am  
entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_ No \_\_\_

If your answer is "yes," state both your gross and net salary or wages per month, and give the  
name and address of your employer:

Gross: N/A Net: N/A

Employer: N/A

1 If the answer is "no," state the date of last employment and the amount of the gross and net  
 2 salary and wages per month which you received. (If you are imprisoned, specify the last  
 3 place of employment prior to imprisonment.)

4 Pirimend Drilling 16.75 HR.  
 5 1987 \$2,680.00 per month

7 2. Have you received, within the past twelve (12) months, any money from any of the  
 8 following sources:

9 a. Business, Profession or Yes \_\_\_ No ☒  
 10 self employment

11 b. Income from stocks, bonds, Yes \_\_\_ No ☒  
 12 or royalties?

13 c. Rent payments? Yes \_\_\_ No ☒

14 d. Pensions, annuities, or Yes \_\_\_ No ☒  
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes \_\_\_ No ☒  
 17 Social Security or other govern-  
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount  
 20 received from each.

21 N/A  
 22

23 3. Are you married? Yes \_\_\_ No ☒

24 Spouse's Full Name: N/A

25 Spouse's Place of Employment: N/A

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ N/A Net \$ N/A

28 4. a. List amount you contribute to your spouse's support: \$ N/A

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

NONE

5. Do you own or are you buying a home? Yes    No   

Estimated Market Value: \$ N/A Amount of Mortgage: \$ N/A

6. Do you own an automobile? Yes    No   

Make N/A Year N/A Model N/A

Is it financed? Yes    No    If so, Total due: \$ N/A

Monthly Payment: \$ N/A

7. Do you have a bank account? Yes    No    (Do not include account numbers.)

Name(s) and address(es) of bank: N/A

Present balance(s): \$ N/A

Do you own any cash? Yes    No    Amount: \$ N/A

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes    No   

8. What are your monthly expenses?

Rent: \$ NONE Utilities: NONE

Food: \$ NONE Clothing: NONE

Charge Accounts:

<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Acct.</u>
<u>  </u>	\$ <u>  </u>	\$ <u>  </u>
<u>  </u>	\$ <u>  </u>	\$ <u>  </u>
<u>  </u>	\$ <u>  </u>	\$ <u>  </u>

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

NONE

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes ☐ No ☒

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

N/A

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

3-3-08

DATE

John Albert  
SIGNATURE OF APPLICANT

Case Number: \_\_\_\_\_

CERTIFICATE OF FUNDS

IN

PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of E 50957 Gilbert, John for the last six months

at

**SALINAS VALLEY STATE PRISON  
ACCOUNTING DEPARTMENT  
P.O. BOX 1020  
SOLEDAD, CA 93960-1020**

[prisoner name]

\_\_\_\_\_ where (s)he is confined.

[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 31.17 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 31.44.

Dated: 3/12/08

L. maues

[Authorized officer of the institution]

REPORT ID: TS3030 .701

REPORT DATE: 03/12/08

PAGE NO:

CALIFORNIA DEPARTMENT OF CORRECTIONS  
SALINAS VALLEY STATE PRISON  
INMATE TRUST ACCOUNTING SYSTEM  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: SEP. 01, 2007 THRU MAR. 12, 2008

ACCOUNT NUMBER : E50957

BED/CELL NUMBER: FAB3T1000000111U

ACCOUNT NAME : GILBERT, JOHN ERNEST

ACCOUNT TYPE: I

PRIVILEGE GROUP: A

## TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
09/01/2007		BEGINNING BALANCE					0.00
09/07*VD54		INMATE PAYROL	0706 P8/07		3.05		3.05
11/01 W536		COPAY CHARGE	1220 COPAY			3.05	0.00
11/06*VD54		INMATE PAYROL	1254 P9/07		3.98		3.98
11/07 FC06		DRAW-FAC 6	1279 D1			3.98	0.00
11/15*DD30		CASH DEPOSIT	1349 7061		90.00		90.00
11/16 W512		LEGAL POSTAGE	1364 ENVEL			1.65	88.35
12/11*DD30		CASH DEPOSIT	1545 7131		90.01		178.36
12/17 FC01		DRAW-FAC 1	1591 A3			178.36	0.00
ACTIVITY FOR 2008							
01/14 FRO1		CANTEEN RETUR	701813			0.11-	0.11
01/15 W536		COPAY CHARGE	1846 COPAY			0.11	0.00

## CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
02/20/2008	H114	COPAY FEE, MED.	2180DCOPAY	5.00

## \* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 03/04/94

CASE NUMBER: SC057084

COUNTY CODE: KER

FINE AMOUNT: \$ 200.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
09/01/2007		BEGINNING BALANCE		113.35
09/07/07	VR54	RESTITUTION DEDUCTION-SUPPORT	3.38-	109.97
11/06/07	VR54	RESTITUTION DEDUCTION-SUPPORT	4.42-	105.55

REPORT ID: TS3030 .701

REPORT DATE: 03/12/08

PAGE NO:

SALINAS VALLEY STATE PRISON  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: SEP. 01, 2007 THRU MAR. 12, 2008

ACCT: E50957

ACCT NAME: GILBERT, JOHN ERNEST

ACCT TYPE: I

## \* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 03/04/94

COUNTY CODE: KER

CASE NUMBER: SC057084

FINE AMOUNT: \$ 200.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
11/15/07	DR30	REST DED-CASH DEPOSIT	100.00-	5.55
12/11/07	DR30	REST DED-CASH DEPOSIT	5.55-	0.00

## \* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 03/04/94

COUNTY CODE: KER

CASE NUMBER: SC057084A

FINE AMOUNT: \$ 200.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
09/01/2007		BEGINNING BALANCE		200.00
12/11/07	DR30	REST DED-CASH DEPOSIT	94.45-	105.55

\* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT \*  
 \* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. \*

## TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	187.04	187.04	0.00	5.00	0.00



THE WITHIN INSTRUMENT IS A CORRECT  
 COPY OF THE TRUST ACCOUNT MAINTAINED  
 BY THIS OFFICE. 3/12/08

ATTEST:  
 CALIFORNIA DEPARTMENT OF CORRECTIONS  
 BY R. Maus SUSP  
 TRUST OFFICE

CURRENT  
 AVAILABLE  
 BALANCE

5.00

555 NEW  
**FILED**  
 FEB 27 2008  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §§ 1983

Name Gilbert John E  
 (Last) (First) (Initial)

Prisoner Number E-50957

Institutional Address P.O. Box 1050 Soledad Calif 93960

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

TEH

John Earnest Gilbert

(Enter the full name of plaintiff in this action.)

(Principle actor) - vs. p. Delvillar

James Tilton, N. Grannis, Michael Evans

G.A. Neotti, K. Jones, R.A. Kessler

G. Lewis, P. Roque, G.R. Salazar, P. Avalos

N. Clark, A. Villalobos, Majica, Hozdan, A. Kuhnert

(Enter the full name of the defendant(s) in this action.)

Case No. 08-1181  
 (To be provided by the Clerk of Court)

COMPLAINT UNDER THE  
 CIVIL RIGHTS ACT,  
 Title 42 U.S.C § 1983

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies.

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement Salinas Valley State Prison

B. Is there a grievance procedure in this institution?

YES ☒ NO ( )

C. Did you present the facts in your complaint for review through the grievance procedure?

YES ( ) NO ☒

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

Because, my celly filed and put me IN The 602 Appeal as I was apart of His and a victim as well and didn't think we both had too.

COMPLAINT

008-1181-807